2 3 4 5 6 7	MICHAEL G. PEDHIRNEY, Bar No. 23316 LITTLER MENDELSON A Professional Corporation 650 California Street, 20th Floor San Francisco, CA 94108.2693 Telephone: 415.433.1940 Facsimile: 415.399.8490 E-mail: tpaetkau@littler.com; mpedhirney@ Attorneys for Defendant APPLERA CORPORATION	
8	UNITED STATES DISTRICT COURT	
9	NORTHERN DISTRICT OF CALIFORNIA	
10	SAN FRANCISCO DIVISION	
11	MEGAN KELLY,	Case No. C-07-3002 MMC
12	Plaintiff,	DEFENDANT APPLERA
13 14	v.	CORPORATION'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF OPPOSITION TO PLAINTIFF'S MOTION
15	APPLERA CORPORATION,	TO AMEND COMPLAINT
16	Defendant.	Date: April 4, 2008 Time: 9:00 a.m. Courtroom: 7, 19 th Floor
17		Judge: Hon. Maxine Chesney
18		
19	Pursuant to California Evidence Code section 201, Defendant APPLERA	
20	CORPORATION hereby requests that the Court take judicial notice of: (1) The Department of Fair	
21	Employment and Housing's "Right to Sue Notice" procedures and guidelines, and (2) The	
22	Department of Fair Employment and Housing's Automated "Right to Sue" online request system.	
23	Defendant respectfully requests that the Court take judicial notice of these pages	
24	pursuant to Federal Rule Evidence Code section 201, which allows the Court to take notice of	
25	adjudicative facts which are facts either (1) generally known within the territorial jurisdiction of the	

Exhibits A and B are print-outs from the Department of Fair Employment and

26

27

28

cannot reasonably be questioned.

trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy

Housing website, and are capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned. Defendants have fully complied with the requirements of Evidence Code section 201 by attaching hereto true and correct copies of the above-referenced documents to this request and serving a copy of the instant request on Plaintiff.

Dated: March 14, 2008

TYLER M. PAETKAU
MICHAEL G. PEDHIRNEY
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendant
APPLERA CORPORATION

Firmwide:84590163.1 008292.1051

EXHIBIT A



Home -- Complaints -> File a Complaint

Right to Sue Notice

The Fair Employment and Housing act (FEHA), at Government Code section 12965, subdivision (b), requires that individuals must exhaust their administrative remedies with the Department of Fair Employment and Housing by filing a complaint and obtaining a "right-to-sue notice" from the Department before filing a lawsuit under the FEHA. DFEH will accept requests for an immediate DFEH "right-to-sue notice" from persons who have decided to proceed in court. Your DFEH complaint must be filed within one year from the last act of discrimination or you may lose your right to file a lawsuit under the FEHA.

The decision to request such an authorization is a critical one. If you choose to request a "right-to-sue notice" now, the Department will not investigate your complaint. Obtaining a "right-to-sue" and waiving the Department's investigation is only advisable if you have been instructed to do so by an attorney. If you have decided to request a "right-to-sue notice" at this time, you may click on the paper form link below or use our new online "Right-to-Sue" system.

- If you choose the paper form, the form must be completed and mailed back to the address on the form or the office closest to you.
- If you use the automated system form the instructions are included and you will receive an Right-to-Sue letter at the end of the session.

If you wish to have the Department investigate your complaint instead of requesting a "right-to-sue notice", contact the Department's Communication Center at 1-800-884-1684 (within California), 1-916-478-7200 (outside California), or TTY 1-800-700-7320 to speak to a representative to make an appointment, or you may use the Department's Online Appointment System.

Right-to-Sue - Automated

<u>DFEH-200-01 - Paper Form</u> "Right-to-Sue Notice" Instructions <u>DFEH-300-03 - Paper Form</u> "Right-to-Sue Notice" Packet

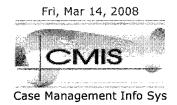
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EXHIBIT B

Search Calif

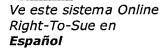


Department of FAIR EMPLOYMENT AND HOUSING



55.4 (4.2)





WELCOME TO THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING'S (DFEH) AUTOMATED RIGHT-TO-SUE

The automated "right-to-sue notice" system is a self-service system which allows individuals who are seeking an immediate "right-to-sue notice" from DFEH to do so online.

Through this system you will be able to complete the "right-to-sue notice" packet (DFEH-300-03) online, print a copy of your registered complaint, and print a copy of your "right-to-sue notice."

The decision to request such an authorization is a critical one. If you choose to request a "right-to-sue notice" now, the Department will not investigate your complaint. Obtaining a right-to-sue notice and waiving the Department's investigation is only advisable if you have been instructed to do so by an attorney.

If you have decided to request a "right-to-sue notice" at this time, click on "New RTS" below and follow the instructions.

NOTE: In order to use this automated process you must have both javascript and cookies enabled. You must have access to a printer in order to complete this process. Nothing will be mailed to you from DFEH.

RESUMING A SESSION

If you can not complete this session at one time, please make note of your confirmation number which is issued to you once you fill out the "Requestor" page. You may use this number to resume your session. Incomplete forms will be deleted after thirty (30) days.

MODIFYING A COMPLAINT WHICH HAS BEEN SUBMITTED Once you have completed the entire process and a case number has been issued, any amendments or modifications to your complaint(s) must be made directly through DFEH. Click on "Resume A Session," and enter your confirmation number to obtain the contact information for the office in which your complaint was filed.



